

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 24 September 2025 at 10.15 am

Present: Cllr P Canavan, Cllr D A Flagg and Cllr J Richardson

86. Election of Chair

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

87. Apologies

There were no apologies for absence.

88. Declarations of Interests

There were no declarations of interest.

89. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

90. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

91. Consideration of suitability for a new Hackney Carriage/ Private Hire Driver Applicant

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972. Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Present:

From BCP Council:

Wesley Freeman – Licensing Officer

Andy McDiarmid – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The applicant driver was in attendance and accompanied by a friend for support.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all parties present.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Sub-Committee was asked to consider whether the applicant was deemed to be a 'fit and proper' person to allow them to continue with their application for a new Hackney Carriage/Private Hire Drivers licence for BCP Council.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Council's Legal Advisor advised all parties of the right of appeal.

The Sub-Committee RESOLVED that the applicant driver, is not a 'fit and proper person' to continue with his application to hold a Hackney Carriage and/or Private Hire Driver's Licence.

Reason for Decision:

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 6, along with the verbal submissions made at the Hearing by the applicant driver, his friend in support of his application, and Wesley Freeman, Licensing Officer.

In considering the test of a 'fit and proper person', the Sub-Committee also had regard to the BCP Council's Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Industry (2024) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

In making its decision the Sub-Committee considered the evidence submitted by Dorset Police regarding an incident which occurred in

Poole on 27 October 2024, where the applicant driver was subsequently arrested.

The applicant driver was bailed, and no further action was taken by the Police. The Sub-Committee note that despite this outcome, Dorset Police have serious concerns about the applicant having a taxi licence as the account he gave of the incident when being interviewed raised concerns about how he handled the situation of having a vulnerable female in his taxi.

The Sub-Committee noted that the applicant had failed to notify BCP Council of his arrest in line with Appendix A, paragraph 7 of the BCP Hackney Carriage and Private Hire Driver Policy, which requires drivers to notify the Council in writing within 3 working days of arrest. The Sub-Committee accept the applicant's explanation that the Police confiscated his mobile phone as part of an investigation, however, they do not accept that he had no other means available to contact the Licensing Office within the required timeframe.

The Sub-Committee note that the applicant submitted an application for a reissue of a Hackney Carriage and/or Private Hire Vehicle Drivers Licence on 24 May 2025, however, the BCP Driver Policy, Appendix C, paragraph 15, states "*where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision...*". The Sub-Committee is mindful that the applicant had his licence revoked with immediate effect on 13 November 2024 in the interest of public safety and that there were no exceptional circumstances to warrant reissuing it.

The Sub-Committee note that the applicant had answered 'no' to the following question on the application 'Have you ever had a licence for a Hackney Carriage or Private Hire Vehicle and/or Driver refused or revoked by any Licensing Authority?'. The November 2024 revocation has not been disclosed, and this raises the question of dishonesty as part of this new driver application. The Sub-Committee is not satisfied with the applicant's explanation that he made a mistake when completing the application form.

Having heard from the applicant, the Sub-Committee questioned his honesty and his ability and inclination to operate as a licensed driver in accordance with the conditions attached to a licence and the legislation set out in Part II of the Local Government (Miscellaneous Provisions) Act 1976.

In considering the circumstances of the case the Sub-Committee reminded themselves that the overriding aim of the licensing system is to protect the public who use Hackney Carriage and Private Hire Services, and any bar set when making any determination should be at the highest level. The Sub-Committee were mindful of paragraphs

1.3, 1.4 and 3.18 of the Institute of Licensing Guidance. The applicant has fallen short of the ‘fit and proper’ standard and was a risk to public safety and, as such, agreed that he is not deemed a ‘fit and proper person’ to continue with his application to become a taxi driver.

Anyone aggrieved by this decision has the right of appeal to the Magistrates’ Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

92. Consideration of continued suitability to hold a Private Hire Driver Licence

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972. Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Present:

From BCP Council:

Michelle Fletcher – Licensing Officer

Wesley Freeman – Licensing Officer

Andy McDiarmid – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The driver was in attendance and accompanied by a friend for support.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all parties present.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Sub-Committee was asked to consider whether the applicant was deemed to be a ‘fit and proper’ person to continue to hold a Private Hire Licence for BCP Council.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Council’s Legal Advisor advised all parties of the right of appeal.

It was RESOLVED that the driver, is a ‘fit and proper person’ to continue to hold a Private Hire Driver’s Licence, however it is the Sub-Committee’s decision that the driver receives a written caution which will remain on his file.

Reason for Decision:

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 7, along with the verbal submissions made at the Hearing by the driver, Michelle Fletcher, Licensing Officer and Wesley Freeman, Licensing Officer.

In considering the test of a ‘fit and proper person’, the Sub-Committee also had regard to the BCP Council’s Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Industry (2024) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

The Sub-Committee heard from Michelle Fletcher, Licensing Officer, that the Licensing Authority had conducted a thorough investigation into the driver following multiple complaints and repeated non-compliance with driver conditions, but that the driver had never been deemed by the Licensing Authority to pose an imminent risk to public safety. The Licensing Officer explained that although each incident appeared minor in isolation, collectively they revealed a concerning pattern of non-compliance regarding the standard of driving and several failures to comply with his driver licence conditions and instructions issued by the Licensing Authority, which had placed an unnecessary burden on licensing officers and raised serious public safety concerns. Issues included submission of incorrect or incomplete medical forms, failure to meet DBS requirements, and poor communication with the Licensing Authority. These led to several suspensions and formal warnings being issued by Licensing Officers.

The Licensing Sub-Committee was mindful that the driver had passed a Driver Competency Assessment on 18 March 2025 and had undertaken and passed two medicals. The Sub-Committee noted that the driver also met with all DBS and DVLA requirements.

The Sub-Committee heard from the driver that he had not received any complaints or disciplinaries prior to December 2024. He conducted himself in a professional and courteous manner and found himself in excellent health. The driver apologised for the position he now found himself in and hoped that he would be able to continue to work as a licensed driver.

The Sub-Committee has agreed to issue you a written caution concerning the standard of your driving. We are extremely concerned about the number of complaints received, and we do not wish to see you appear before us again.

Being a licensed driver for BCP Council is both a privilege and an honour. Complaints are taken seriously and will always be frowned upon. You have now been given an opportunity to demonstrate that you can meet the standards expected of a licensed driver and take your responsibilities seriously.

The protection of the public is our highest priority. Licensed drivers must consistently demonstrate safe and competent driving standards. As professional drivers, you are expected to be fully aware of all road traffic legislation and to always prioritise the safety of your passengers.

Any further complaints or breaches of the licensing conditions may result in further action being taken against you.

The Sub-Committee expects all licensed drivers to uphold the highest standards of professionalism and public safety. You are now under scrutiny, and failure to improve may jeopardise your ability to continue operating as a licensed driver within BCP Council.

The meeting ended at 12.32 pm

CHAIRMAN